

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2817 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE H.L.GOKHALE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SHANTILAL VAGHJI THACKER

Versus

STATE OF GUJARAT

Appearance:

MR CH VORA for Petitioner
MR MA BUKHAI ASST. GOVERNMENT PLEADER
for Respondent No. 1, 2

CORAM : MR.JUSTICE H.L.GOKHALE

Date of decision: 11/09/97

ORAL JUDGEMENT

Heard Mr. Vora for the petitioner and Mr.Bukhari, AGP for the respondents. Rule on the petition. The same is made returnable forth with. Both the learned advocates have made their submissions.

2. In this matter, the petitioner is seeking a small parcel of land situated in the city of Bhuj from the

Government. On an earlier occasion, on his request being rejected, he carried the matter in revision and the Revenue Secretary, by his order dt.15th March, 1995, remanded the matter back to the Collector. In Para 5 of his order, the Revenue Secretary observed that from the material which was before him, object for which the land was acquired did not appear to the contrary to the development objective as per Development Plan. The Collector on remand however has given the finding on 2nd January, 1997 that the particular land is shown to be reserved for Play Ground, Recreation and Garden etc. Mr. Vora submits that in view of the earlier finding of the Secretary to the contrary, this observation of the Collector requires to be reexamined. It was from this point of view that the specific order was passed on 18/6/1997, asking the respondent no.2 to explain as to how concerned land is covered under reservation as stated in that order. In spite of a number of the adjournments thereafter, no reply or specific statement is coming forth from the second respondent. To day is the 11th time when the matter was on Board. In this view of the matter, I am not inclined to adjourn the matter any further. Proper course, in the circumstances, will be to direct the respondent no.2 to examine the matter afresh and pass specific order after referring the observations made by the Revenue Secretary in Para 5 of his order dt. 15th March, 1995. On remand, the respondent no.2 will hear the petitioner and will also give his specific observation with respect to what the Revenue Secretary has said in Para 5 of his order. If there is any such reservation as stated by the Collector, he will be free to maintain that. But it will be expected of him that he should be more specific. Mr. Bukhari has pointed out that the Collector has gone into the aspect on remand but as observed above, in view of the observation made by the Revenue Secretary in Para 5 of his order dt. 15th March, 1995, this further re-examination has become necessary. The petition is disposed of in terms of the above direction. Whatever contentions raised by the petitioner, will be raised before the Collector. Rule made absolute accordingly, with no order as to costs.

(ccs)